

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION**

MICHAEL ST. CLAIR,  
ADC #118671

PLAINTIFF

V.

5:12CV00262 BSM/JTR

LARRY MAY, Director,  
Arkansas Department of Correction, et al.

DEFENDANTS

**ORDER**

Plaintiff, Michael St. Clair, who is a prisoner in the Arkansas Department of Correction, has filed a Notice of Appeal and an Application to Proceed *In Forma Pauperis* on Appeal. See docket entries #14 and #15.

On October 15, 2012, the Court dismissed this case, without prejudice, for failing to state a claim upon which relief may be granted. See docket entries #11 and #12. Importantly, the Court certified, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal would not be taken in good faith. *Id.* In light of that certification, Plaintiff's Application to Proceed *In Forma Pauperis* on Appeal must be denied. See *Henderson v. Norris*, 129 F.3d 481 (8th Cir. 1997).

**IT IS THEREFORE ORDERED THAT:**

1. Plaintiff's Application to Proceed *In Forma Pauperis* on Appeal (docket

entry #14) is DENIED.

2. Within thirty days of the entry of this Order, Plaintiff must either: (a) pay, *to this Court*, the full \$455 appellate filing fee; or (b) file, with the *Eighth Circuit Court of Appeals*, an Application to Proceed *In Forma Pauperis* on Appeal that complies with Fed. R. App. Pro. 24(a)(5).

Dated this 6th day of November, 2012.

  
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UNITED STATES MAGISTRATE JUDGE